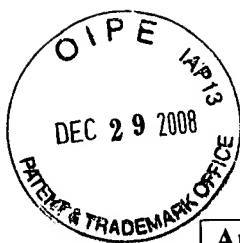


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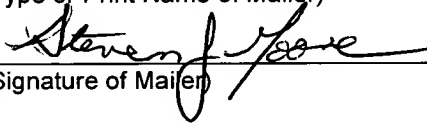
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|---------------------|---|-----------------------------|--------------|
| Applicant: | Moore, Steven J. | Art Unit: | 3725 |
| Serial No.: | 09/638,012 (Reissue Request of U.S. Patent No. 5,795,209) | Confirmation No. | 8813 |
| Filing Date: | October 23, 2008 | Examiner: | Miller, Bena |
| Title: | Package Amusement Device and Method | Docket No.: | 122995-72252 |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below:

Steven J. Moore
(Type or Print Name of Mailer)

Date: October 23, 2008


(Signature of Mailer)

AMENDMENT-AFTER-FINAL
and
RESPONSE TO THE OFFICE ACTION
OF OCTOBER 23, 2008

I. INTRODUCTORY COMMENTS

• **REQUEST FOR CONSIDERATION OF RESPONSE**

This "AMENDMENT-AFTER-FINAL and RESPONSE TO THE OFFICE ACTION OF OCTOBER 23, 2008" replies to the outstanding office action in this case, and distinctly and specifically points out the errors in the Examiner's action, as well as responding to every ground of objection and rejection set forth in such office action. This response is a bona fide attempt to advance the application to final action. In light of the amendments and remarks set forth below, Applicant requests that the Examiner reconsider the Examiner's stance with

respect to the patentability of the claims and Applicant seeks further examination of the application. Applicant hereby requests that any objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated.

- **REQUEST FOR, AND PAYMENT OF, EXTENSION FEE**

No extension fee is believed to be due with this filing. If Applicant is incorrect in such assessment, Applicant respectfully requests that he be granted an appropriate extension from the shortened statutory period for response, and that he be notified by telephone to provide the appropriate authorization to charge a personal credit card.

- **LOCATION OF SPECIFIED SECTIONS FOR SCANNING OF THIS DOCUMENT**

| SECTIONS OF DOCUMENT | LOCATION OF SECTION |
|--|----------------------------|
| I. INTRODUCTORY COMMENTS | Pages 1 – 3 |
| II. AMENDMENTS TO THE SPECIFICATION | Pages 4 |
| III. AMENDMENTS TO THE CLAIMS | Pages 5 - 7 |
| IV. AMENDMENTS TO THE DRAWINGS | Pages 8 |
| V. REMARKS/ARGUMENTS | Pages 9 – 13 |
| VI. APPENDIX | Pages 14 |

- **REQUEST FOR ENTRANCE OF AMENDMENTS AND CONSIDERATION OF ARGUMENTS**

Applicant respectfully requests entrance of the amendments, and consideration of his arguments set forth below. Amended/new claims that may be construed as more limiting in scope than the scope of any of the claims prior to amendment/cancellation/addition should not be construed as an abandonment of any subject matter no longer claimed, nor should the amended/new claims be construed in any manner to waive or limit the equivalent structures of any element recited in such claims that would otherwise be available under the Doctrine of Equivalents with respect to the unamended/canceled claims.

Amendment/cancellation/addition of the claims is not in any manner intended to, and should not be construed to, waive Applicant's right in the future to seek protection for the subject matter claimed in prior claims, or to seek protection for similar matter in any continuation, divisional, continuation-in-part, RCE, or any other application claiming priority to or through the present application. Applicant expressly reserves the right to file applications directed to the subject matter covered by any canceled or previously submitted claim, as well as any uncovered subject matter disclosed in the specification.

"INTERVIEW" OF OCTOBER 20, 2008

Applicant acknowledges his telephone call to the Examiner of October 20, 2008, wherein the Applicant urged that he had not received the office action by mail, but rather recently found out about the office action via the USPTO website. Applicant also argued that the final office action should be withdrawn as he had filed a request for an interview considerably in advance of the action, at a time wherein no interview had previously been allowed. The Examiner agreed to re-mail the final office action, but on the call did not agree to provide the interview. A telephone message was left on Applicant's phone later that day permitting an interview, but the Applicant did not retrieve the message until after the close of the business day of October 21, 2008, the date indicated by the Examiner after which an interview would not be allowed. The Applicant called the Examiner on December 23, 2008, and the Examiner indicated that she would interview after receipt of this response from Applicant. Applicant extends his appreciation to the Examiner.